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SEALED

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KEITH MAX PIERCE,

Defendant.

2:13mj282 BCW
COMPLAINT

VIOLATIONS:

- 26 U.S.C. § 5861(a), Failure to Register as a Dealer and Manufacturer [Count 1];
- 18 U.S.C. § 922(o), Illegal Possession of Machine Guns [Count 2];
- 18 U.S.C. § 922(k), Possession of a Firearm with an Obliterated Serial Number [Count 3].

COUNT 1

26 U.S.C. § 5861(a)
(Failure to Register as a Dealer and Manufacturer)

From a date unknown to the Grand Jury until on or about May 28, 2013, in the Central Division of the District of Utah,

KEITH MAX PIERCE,

defendant herein, did knowingly engage in the business of manufacturing, importing, and dealing in firearms, to wit: AR15 type rifle, without having paid the special occupational tax required by 26 U.S.C. § 5801 and without having registered as required by 26 U.S.C. § 5802; all in violation

of 26 U.S.C. § 5861(a).

COUNT 2
18 U.S.C. § 922(o)
(Illegal Possession of Machineguns)

On or about May 28, 2013, in the Central Division of the District of Utah,

KEITH MAX PIERCE,

defendant herein, did knowingly possess a machinegun, to wit: a AR15 type machineguns, all in violation of 18 U.S.C. § 922(o).

COUNT 3
18 U.S.C. § 922(k)
(Possession of a Firearm with an Obliterated Serial Number)

On or about May 28, 2013, in the Central Division of the District of Utah,

KEITH MAX PIERCE,

defendant herein, did knowingly possess in and affecting interstate commerce a firearm which manufacturer's and importer's serial number had been removed, altered and obliterated, all in violation of 18 U.S.C. § 922(k).

AFFIDAVIT IN SUPPORT OF COMPLAINT AND ARREST WARRANT

Complainant states that this complaint is based on information by investigation consisting of the following:

Your affiant, Steve Daniels, having been duly sworn, states the following:

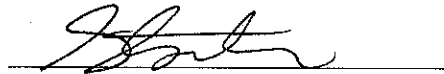
1. I am a Special Agent (SA) in the Federal Bureau of Investigation (FBI), and have been employed as such since June of 2009. As a Special Agent, I am currently assigned to a Domestic Terrorism squad in Salt Lake City. As a federal agent, I am authorized to investigate violations of United States laws and to execute warrants issued under the authority of the United States.
2. I have participated in numerous investigations involving drug trafficking, international and domestic terrorism, and am currently assigned to the Joint Terrorism Task Force and have been so for four years. As a member of the Joint Terrorism Task Force I investigate cases involving illegal weapons and the manufacturing of improvised explosive devices. As a Special Agent, among other things, I have conducted or participated in surveillances, the execution of search warrants, debriefings of informants and reviews of taped conversations. Based on this experience, I have become knowledgeable in regard to the methods and modes utilized by persons who are engaging in a wide variety of criminal activity that constitutes violations of federal laws.
3. The information in this affidavit is based upon my training and experience, my personal knowledge of this investigation, and information provided to me by other agents and law enforcement officials who have assisted in this investigation and have experience investigating terrorism-related crimes. As the case agent I have participated in many

aspects of the investigation. This affidavit does not set forth all of the information that I have acquired during the course of this investigation.

4. The current investigation of Pierce began in November of 2012 based on Pierce making statements to an FBI Confidential Human Source (CHS) in regards to bombing the Internal Revenue Service (IRS) located in Provo, Utah, the Provo Police Department, and a court building (believed to be the Provo City Justice Court). Pierce also discussed having access to fully automatic weapons, and having the tools/knowledge to make fully automatic weapons.
5. During the investigation the Salt Lake City Federal Bureau of Investigation (FBI) successfully introduced an Undercover Employee (UCE) to Pierce and to date has conducted six UCE meetings. On 12/07/2013 the FBI UCE was introduced to Pierce through an online gun advertisement Pierce made and on 03/20/2013 the UCE and Pierce made a deal for Pierce to make the UCE one fully automatic AR-15 firearm. On 05/28/2013 Pierce delivered one modified AR-15 fully automatic firearm to the UCE in the clubhouse parking lot of the Branburry Apartment complex located at 1724 North 450 West, Provo, Utah. The firearm had an obliterated serial number. When Pierce delivered the weapon he told the UCE "I think it's what you're looking for" and "just one thing, it's safe and on auto."
6. The firearm was entered into FBI evidence on 05/29/2013 and sent to the Bureau of Alcohol Tobacco and Firearms (BATF) for testing in Martinsburg, West Virginia. On 06/03/2013 the BATF found the firearm to be modified to fire in a full auto configuration, and concluded that the firearm can be defined as a machine gun and is not

registered in the National Firearms Registration and Transfer Record and possession of the firearm is a violation of Title 26, USC, Section 5861(d).

7. On 05/18/2013 during a recorded conversation with an FBI Confidential Human Source (CHS) the CHS asked Pierce if he put a new lower on the gun, Pierce responded, "Same lower, when I get it to that guy, the serial number is coming off...no way it's coming back to you." Pierce then discussed the gun being fully automatic and said, "I got a felony in the back seat that will get me ten years." Pierce also commented, "Actually making that full...you only need to take out one part, it's easy as hell. I brought the tools with me...I could've shot it, taken the one part out and pocketed it and nobody would've been able to figure it out."
8. Based on the above information, I have reason to believe, and do believe, that KEITH MAX PIERCE, committed violations of Title 26 U.S.C. 5861(d) and Title 26 U.S.C. 5861(g).



STEVE DANIELS
Special Agent, Federal Bureau of Investigations

SUBSCRIBED and SWORN to before me this 9 day of July, 2013.



BROOKE C. WELLS
United States Magistrate Judge

APPROVED:
DAVID B. BARLOW
United States Attorney

SCOTT ROMNEY
Assistant United States Attorney
